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Protracted conflicts in the GUAM area and their implications for international peace, security and development

Letter dated 28 April 2008 from the Permanent Representative of Georgia to the United Nations addressed to the Secretary-General

I have the honour to transmit the statement of the Ministry of Foreign Affairs of Georgia dated 26 April 2008 (see annex).

I shall be grateful if the present letter and its annex could be circulated as a document of the General Assembly under agenda item 16.

(*Signed*) Irakli **Alasania**
Ambassador
Permanent Representative

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Annex to the letter dated 28 April 2008 from the Permanent Representative of Georgia to the United Nations addressed to the Secretary-General

Statement of the Ministry of Foreign Affairs of Georgia

26 April 2008

On 25 April 2008 the mass media quoted the special envoy of the Russian Foreign Ministry for relations with the CIS countries, Ambassador-at-Large V. Keniaikin, who said that "Russia is doing everything so that a military scenario is not enacted in the zone of the Georgian-Abkhaz conflict, but if it were unleashed, we would have to react, including through military means".

After Generals Baluevski and Bordiuzha, Mr. Keniaikin is the third official, and the first diplomat, to mention the threat of using military means in order to annex Georgia's sovereign territories and limit the sovereign right of Georgia to become a member of any international organization.

The statements of the aforementioned officials are in contradiction with internationally recognized principles and norms of international law, namely, the principles of territorial integrity of States, inviolability of borders and non-interference in the domestic affairs of States.

The positions mentioned in the aforementioned statements constitute a violation of paragraph 4, Article 2, of the Charter of the United Nations, according to which the threat or use of force against the territorial integrity of any State is prohibited.

According to article 2 of the annex to General Assembly resolution 3314 (XXIX) on the definition of aggression, the first use of armed force by a State against another State automatically qualifies as an act of aggression. According to article 3, paragraph (a), of the annex to the same resolution, an attack by the armed forces of a State on the territory of another State or part thereof constitutes an act of aggression. According to paragraph (b) of the same article, the use of any weapons by a State against the territory of another State also represents an act of aggression.

The Russian Federation is trying to justify its criminal policies by referring to the protection of the human rights of its citizens. Nevertheless, the acts of the Russian Federation are not in compliance with the primary responsibilities which derive from the European Convention on Human Rights and Fundamental Freedoms, namely, article 1 of the Convention, which sets forth that the High Contracting Parties shall secure the rights and freedoms of everyone within their jurisdiction.

Georgia has tried on numerous occasions to draw the attention of the international community to the destructive policy that the Russian Federation is pursuing towards regions of Georgia. This policy was reified inter alia by the illegal issuance of passports to the population in the conflict zones, the illegal appropriation of the private property of the victims of ethnic cleansing and of the Georgian State, the decision of 6 March 2008 of the Russian Federation to withdraw from the CIS decision of 19 January 1996 on measures for the settlement of the

conflict in Abkhazia, Georgia, as well as the instruction of the President of the Russian Federation issued to the Government of Russia on 16 April 2008.

Recent events make it evident that Russia is moving its policy into an extremely dangerous military dimension. Another proof of that is the act of aggression which the Russian Federation undertook on 20 April 2008, when a MiG-29 "Fulcrum" fighter jet destroyed the unmanned surveillance aerial vehicle owned by the Ministry of Internal Affairs of Georgia.

The Russian Federation's aggressive policy has become particularly intensive since the offer of the unprecedented new initiatives made by the President of Georgia to the Abkhaz side, which have been widely endorsed and supported by the international community.

It is absolutely clear that the Russian Federation has lost all legal, political and moral right to be a State facilitating the settlement of the conflict as it has already become a party to the conflict, which makes the presence of its peacekeepers on the territory of Georgia extremely risky.

Recent events make it obvious that the Russian Federation is at the same time conducting an active information campaign to justify military aggression which was planned a long time ago.

Georgia urges the international community, international organizations and the Secretary-General's Group of Friends for Georgia to assess promptly and impartially the policies of the Russian Federation and to take measures to avoid the military aggression planned against Georgia, which not only endangers our country and the whole Caucasus region but also represents a threat to international peace and security.